

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOSEPH DAVIS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:18cv433-WHB-JCG

CITY OF WAYNESBORO, MISSISSIPPI;  
MAYOR RICHARD JOHNSON, INDIVIDUALLY;  
ALDERMAN TIM COCHRAN, INDIVIDUALLY;  
ALDERMAN ALBERT BUSBY, INDIVIDUALLY;  
ALDERMAN TAMMIE K. WILSON, INDIVIDUALLY;  
ALDERMAN JOHNNY GRAY, INDIVIDUALLY and  
ALDERMAN MARY JOYCE HOWARD DAVIS, INDIVIDUALLY DEFENDANTS

CITY OF WAYNESBORO, MISSISSIPPI'S  
MOTION TO TRANSFER VENUE

Come now, City of Waynesboro, Mississippi, by and through counsel, and submits this Motion to Transfer Venue to the Eastern Division of the United States District Court for the Southern District of Mississippi, and respectfully shows the following.

1. On July 5, 2018, Plaintiff filed the above captioned matter in the Northern Division of the United States District Court for the Southern District of Mississippi.

2. All Defendants in this matter are residents of Wayne County, Mississippi, which is located in the Eastern Division of the Southern District of Mississippi. *CM/ECF Doc. No. 1* ¶ 2-8.

3. In his Complaint, Plaintiff alleges Defendants violated 29 U.S.C. § 1161 and tortiously interfered with his employment. *Id.* at ¶ 42-47.

4. Plaintiff is an adult resident of Wayne County, Mississippi, which is located in the Eastern Division of the Southern District of Mississippi. *Id.* at ¶ 1.

5. Under 28 U.S.C. § 1391, venue is proper in a judicial district where any defendant resides if all defendants are residents of the state or where a substantial part of the events or omissions giving rise to the claim took place. All defendants are residents of Wayne County and all events alleged by plaintiff transpired in Wayne County. Thus, this Honorable Court should transfer this cause of action to the Eastern Division as it is the appropriate judicial division for above captioned matter. *See* 28 U.S.C. § 1391.

6. Further, 28 U.S.C. § 1404(a) provides that a transfer of venue is warranted “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” This, Honorable Court should transfer this cause of action to the Eastern Division where Plaintiff is a resident, where the Defendants are located, and where Plaintiff alleges the incidents which give rise to the cause of action took place.

6. Counsel for the defendant has consulted with Plaintiff’s counsel but has not yet heard whether or not they contest this Motion. Counsel all defendants agreed to the transfer.

7. Due to the simple and self-explanatory nature of this Motion, as well as the supporting authority cited hereinabove, moving defendants request that they be relieved of any further obligation to submit a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, for all of the reasons asserted and authorities cited hereinabove, Defendants have shown good cause for the Court to

transfer the instant cause of action from the Northern Division to the Eastern Division.

Defendants pray that this Honorable Court grant Defendants Motion to Transfer Venue.

**DATE: September 11, 2018.**

Respectfully submitted,

**CITY OF WAYNESBORO,  
MISSISSIPPI**

By: /s/William R. Allen  
One of Its Attorneys

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**CERTIFICATE**

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing Motion to Transfer Venue with the Clerk of the Court using the ECF system which gave notice of the same:

Louis H. Watson, Esq.  
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This the 11<sup>th</sup> day of September, 2018.

/s/William R. Allen  
OF COUNSEL